

Serial No. 10/638,211
Attorney Docket No.: 2003-0482
Response to Office Action/Restriction Requirement

REMARKS

With entry of this amendment, claims 1-11 and 32-37 are pending in this application with claim 1 being an independent claim. By the foregoing amendments, claims 12-31 and 38-42 are sought to be canceled without prejudice or disclaimer. The entry of these changes is respectfully requested.

RESTRICTION REQUIREMENT

The Office Action indicates that claims 1-42 are subject to restriction and/or an election requirement. In particular, the Examiner identified the above-captioned application as containing more than one independent and distinct invention. The Examiner has required a restriction to one of the following identified species of the claimed invention:

Species I: Claims 1-11, directed to communications via host and peripheral device connected to a network;

Species II: Claims 12-21 and 22-31, directed to a configuration utility and unit directed to transmit queries and receive packages without a host and peripheral device; and

Species III: Claims 32-42, directed to parsing configuration packets for updated settings.

In response, Applicant elects without traverse claims 1-11 of Species I, and claims 32-37 which have been amended to join Species I.

Specifically, Applicant, by way of this Amendment, has canceled claims 12-31 comprising Species II and claims 38-42 comprising part of Species III without prejudice or disclaimer, and has amended claims 32-37 comprising part of Species III to depend either directly or indirectly from independent claim 1 in Species I. Applicant respectfully

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contents that its election of claims 1-11 and 32-37, together with the amendments, render the Examiner's restriction requirement with respect to Species II and III moot.

As noted, Applicant amended claims 32-37 to depend from independent claim 1. Species I claims are directed to communications via host and peripheral devices connected to a network. Claims 32-37 are now directed to embodiments of those communications set forth in Species I claim 1, whereby actions relating to the requests, responses, and configuration messages of those communications are further defined and claimed. Claims 32-37 therefore claim narrower embodiments of the communications set forth in claim 1, and no longer constitute a separate independent species. Applicant kindly requests reconsideration of dependent claims 32-37.

Applicant requests a reconsideration and withdrawal of the restriction requirement in light of this response and amendments, and respectfully requests consideration and allowance of all pending claims.

Respectfully submitted,


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